

**Office of Compliance
Program Report**

January 2015 - December 2015

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Executive Summary

The Office of Compliance is responsible at the College for oversight, monitoring, and coordination of regulatory compliance including applicable county, state, and federal laws, regulations, and other requirements. In addition to the Office of Compliance promoting compliance with the law, it also encourages ethical conduct and behavior. The Compliance Office works closely with compliance risk owners across all college units to prevent future compliance risks and reduce current risks to an acceptable level.

Trends continue for an increased the number of laws and regulations applicable to higher education and greater enforcement of the law. The challenge of managing ever-changing compliance requirements is a source of concern for many institutions, resulting in growing numbers of institutions that have established compliance offices. In 2012, Montgomery College led the trend by being the first community college in the nation to establish a compliance office. Others have followed and more community colleges now have a compliance office or program to meet the challenge and impact of increased laws and enforcement.

The Federal government established guidelines that define the essential elements of an effective compliance program, the United States Sentencing Commission's, Federal Sentencing Guidelines (FSG). All compliance offices define themselves by the FSGs, whether they be large or small organizations, or for-profit or non-profit. Montgomery College has followed the FSGs to structure the institutional compliance program and is working to fully implement all of the FSG elements to build a model compliance program.

Compliance to federal, state, and local laws and regulations is an institution wide responsibility that is shared among all members of the community. The compliance office is responsible for oversight of regulatory compliance; communication and awareness; coordination of compliance requirements dispersed among more than one College unit and the high-level management of the regulatory compliance program. Since the inception of the compliance office, 36 separate compliance requirements have been identified that have an above acceptable risk level. Twenty-two of these risks have been mitigated to an acceptable level through the leadership and efforts of the specific risk owners. Four risks have moved to a lesser, but not yet acceptable, risk level. All the while, new risks are identified with the passage of new or changing laws or the increased enforcement of existing laws.

The College compliance program is evolving to more effectively track and reduce the risk level of the compliance requirements of the laws and regulations. Optimally, the compliance program should be in position to proactively prevent compliance risk, rather than react to risk.

Trends in Compliance

In 2015, the trend continued in higher education of increased regulatory requirements as well as ever-increasing enforcement of those laws. This trend has been particularly evident with Title IX compliance which has remained in the spotlight during 2015, with over 140 higher education institutions currently under investigation. Title IX remains the highest compliance risk for colleges and has been a major focus for the Office of Compliance in 2015 and will continue into 2016. Title IX is an example of how increased federal regulations often promulgate further associated state and local regulations, adding to the complexity of managing compliance requirements across the institution. On July 1, 2015, Maryland legislature passed MD House Bill 571 which specifically requires the sexual assault policies of higher education institutions in the state to comply with Title IX of the Education Amendments of 1972. The bill also includes additional provisions, one of which mandates that by March 1, 2016 every higher education institution in the state administer a sexual assault campus climate survey and repeat the survey every two years thereafter.

The Office of Compliance

The Office of Compliance provides oversight of institutional compliance efforts by working with compliance risk owners across all college units. In collaboration with other College risk management functions, and with the General Counsel for legal advice and guidance, the Office of Compliance encourages and promotes not only compliance with the law, but ethical behavior and standards.

The Office of Compliance reports directly to President DeRionne Pollard. Compliance reporting to the CEO of the organization is consistent with the FSGs and promotes an independent and empowered compliance function. The office consists of Vicki Duggan, chief compliance officer; Julie Foster, compliance specialist and project manager; Tonya Buscher, administrative aide; and most recently joining the office, Christopher Moy, director of ADA compliance and Title IX coordinator.

Compliance Program Strategic Plan

The premise of the Office of Compliance strategic plan as follows:

- development of the compliance program to reflect the [federal sentencing guidelines](#) which outline the elements deemed necessary by the federal government to have an effective compliance program; and
- establishment of a work plan to manage compliance risk through projects, education and awareness efforts, policy development, and incorporating best practices in the College compliance program.

The federal sentencing guidelines define an effective compliance program within an organization as establishing and maintaining an organizational culture that “encourages ethical conduct and a commitment to compliance with the law and exercise due diligence to prevent and detect criminal conduct”, US Federal Sentencing Guidelines §8B2.1 (a) (2).

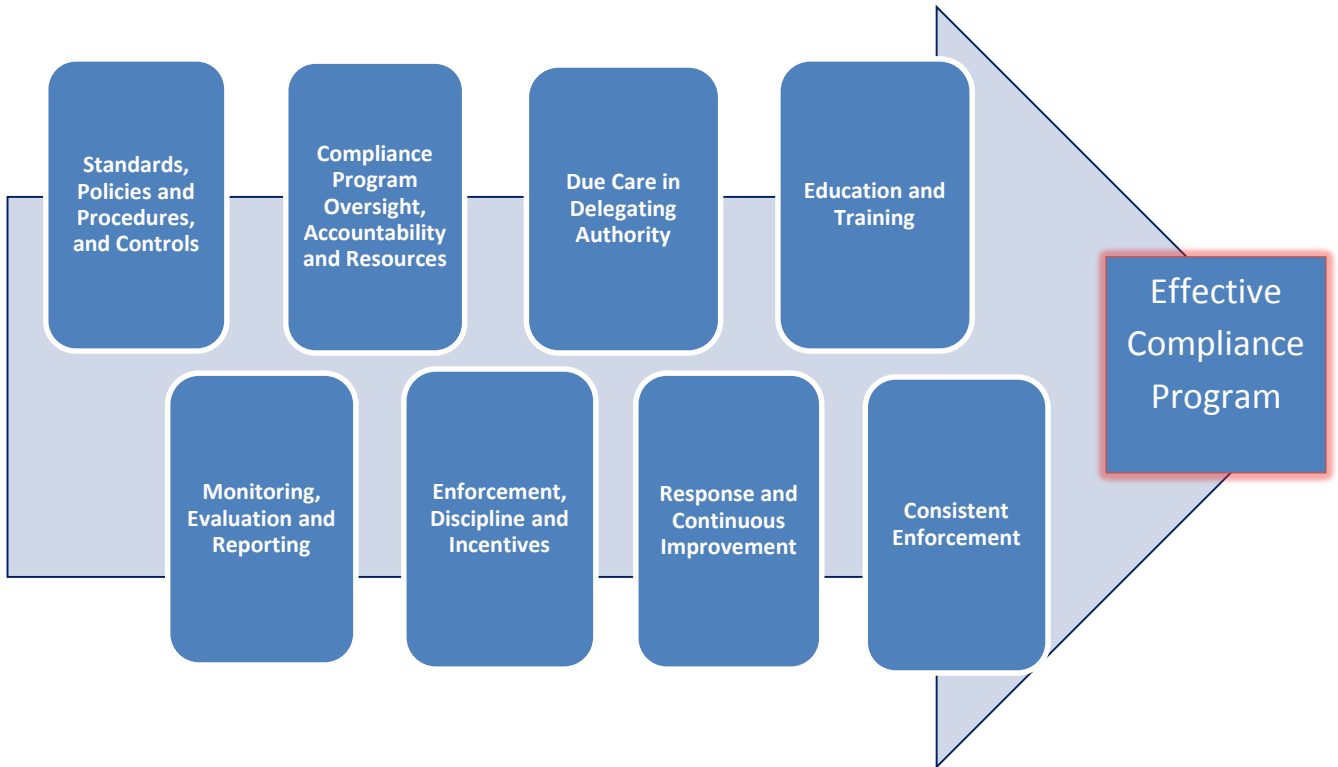


Figure 1: US Federal Sentencing Guidelines

The chart below highlights the college accomplishments achieved in each element of the federal sentencing guidelines. These accomplishments serve as a sound foundation for an effective compliance program. However, as our program matures we will continue to build on this foundation with improvements to our processes and continued collaboration efforts with all compliance risk owners across the college.

Federal Sentencing Guidelines	
Elements	Accomplishments
<p>Standards, Policies and Procedures, and Controls</p> <p>Implement policies and procedures, an employee code of conduct and compliance standards.</p>	<ul style="list-style-type: none"> • Policies <ul style="list-style-type: none"> ○ Protection of Minors ○ Reporting Suspected Fiscal Irregularities or Fraud with Whistleblower (Good Faith Reporting) ○ IT Accessibility – <i>underway</i> • Employee code of conduct - <i>underway</i> • Standards and Processes <ul style="list-style-type: none"> ○ Clery Act for Crime Reporting ○ Title IX Processes
<p>Compliance Program Oversight, Accountability and Resources</p> <p>Specify certain executive-level individual(s) with the responsibility to oversee compliance.</p>	<ul style="list-style-type: none"> • In 2011, established the College compliance office and named a chief compliance officer (CCO) who reports to the President. The compliance office has a staff of four, including the Title IX coordinator. • Established a Compliance Advisory Committee. • Developed a College compliance matrix and calendar to reinforce compliance requirements roles and responsibilities. • Identify those accountable for compliance of new or changing laws.
<p>Due Care in Delegating Authority</p>	<ul style="list-style-type: none"> • Expanded employee background checks and screenings • Hold compliance orientation briefings with each new administrator and key staff.

Federal Sentencing Guidelines

Elements	Accomplishments
<p>Education and Training</p> <p>Establish communication, awareness and employee training programs specific to compliance standards.</p>	<ul style="list-style-type: none"> • Mandatory compliance training for highest risk areas • Expectations and timelines for compliance requirements and disclosures • Activities and compliance fairs during National Compliance Awareness Week • Compliance website with resources and points of contact • Compliance newsletters • Host webinars on current compliance topics • Online compliance webinars, available to any College employee
<p>Monitoring, Evaluation and Reporting</p> <p>Implement compliance monitoring and auditing systems, including a reporting system so that employees can report misconduct without fear of retribution.</p> <p>Apply consistent and adequate processes and procedures for enforcement and discipline.</p>	<ul style="list-style-type: none"> • Established a confidential reporting line • Protection from retaliation for good faith reporting as part of Policy 61008, • Reporting Financial Irregularities • Implement a compliance data management system – <i>underway</i>
<p>Enforcement, Discipline and Incentives</p>	<ul style="list-style-type: none"> • Recognize individuals and teams with exemplary compliance accomplishments; team awards • Publicize resolution agreements from other schools
<p>Response and Continuous Improvement</p> <p>Respond appropriately to incidents and take steps to prevent further similar offenses, including any necessary modifications to compliance programs intended to prevent and detect violations of law.</p>	<ul style="list-style-type: none"> • Working groups for highest compliance risk areas and with multiple College unit responsibility <ul style="list-style-type: none"> ○ Title IX Athletics ○ Title IX ○ Clery Crime Reporting • Conduct lessons learned and critical reviews for compliance initiatives • Annual unit compliance reviews to monitor and update risk mitigation plans

One of the FSGs is the presence of enforcement, discipline and incentives to encourage compliant and ethical behavior. Standards must be established to guide employee behavior and before an organization can enforce and incentivize employees, the standards need to be well communicated and promoted. Established organizational standards can take the form of an employee Code of Conduct. The College is currently developing an employee Code of Conduct, an effort led by college governance. The ability to enforce, discipline, and incentivize employees for compliant and ethical behavior, one of the elements of the FSGs, is one of the many potential benefits of a Code of Conduct.

Another FSG recommends periodic reporting from the compliance office to a governing body. This guideline in principal allows the compliance function to report to the governing body and alert them to risks that may jeopardize the organization. Empowerment and independence of the compliance function is desirable so that the compliance officer has a mechanism in place to report without fear of retaliation or rebuke, ultimately allowing the compliance function to act in the best interests of the organization and to prevent being thwarted in the delivery of information. The compliance officer is working with the President on appropriately establishing the relationship between the compliance office and the College Board of Trustees, our governing body.

Compliance Program Work Plan

A College that offers financial aid to students through Title IV funding is required to adhere to federal laws governing higher education. The laws predominant intent is to protect students: protect the value and integrity of their education, protect their safety while on campus, and protect their investment as consumers seeking an education.

The compliance work plan includes activities that align with meeting the requirements of federal, state and local laws and regulations. An integral part of the compliance work plan is the management of compliance data for relevant laws and regulations. The compliance data is used to clarify roles and responsibilities; develop systems and processes to identify, track, monitor, assess, and reduce compliance risk; and provide an assurance that the College will meet compliance requirements. Our efforts this past year have focused on identifying a compliance data management system that would provide the tracking, monitoring and reporting features that are critical in managing compliance data. The search has resulted in the purchase of a system that will support the maturation of our compliance processes and risk management practices.

The compliance work plan activities resulted in risk reduction in the areas of:

- IT Accessibility
- Protection of Minors
- Jeanne Clery Crime Reporting Act
- Violence Against Women Act (VAWA)
- Title IX (including gender neutral spaces and lactation rooms)
- Family Educational Rights and Privacy Act (FERPA)
- Higher Education Opportunity Act (HEOA)
- Americans with Disabilities Act (ADA)
- Federal Grants Compliance

- Athletics Compliance (Title IX and NJCAA)
- Copyright
- College and Career Readiness & College Completion Act (CCRCCA)

Risk Report and Progress

The Office of Compliance maintains and tracks a compliance risk registry of the College’s current compliance risks. The risks are assessed on scales of impact, the potential level of effect were the risk to occur; and probability, the likeliness that the risk will occur. Ongoing resolution efforts manage and reduce each risk, with greater focus and emphasis placed on the highest risk categories.

The graphic below outlines our compliance risk management process.

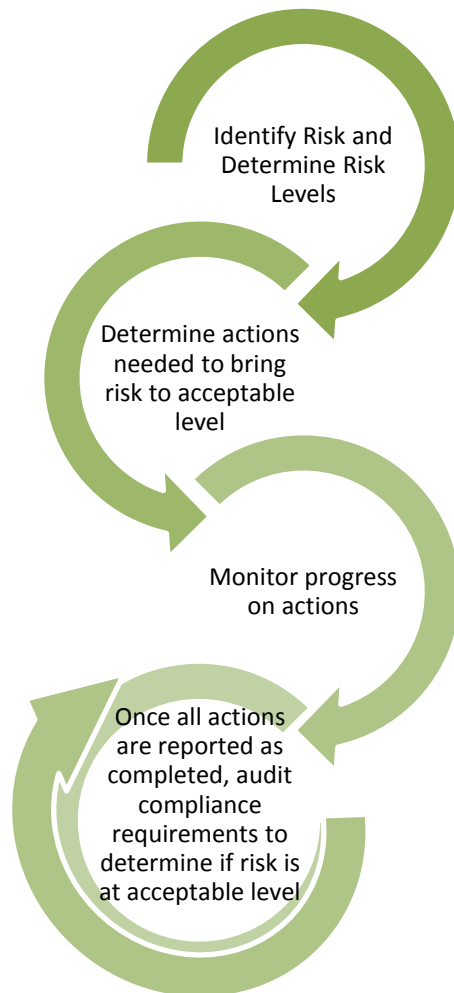
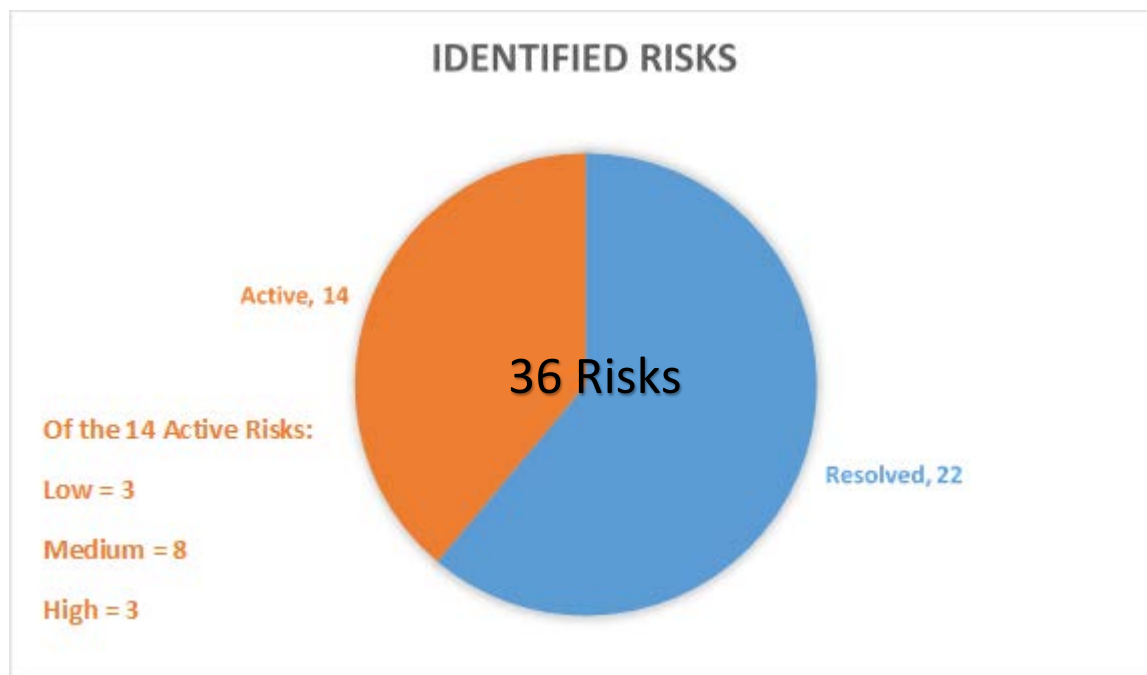


Figure 2: Risk Management Process

The chart below shows the number of active vs. resolved compliance risks. It is important to note that of the 14 active compliance risks being monitored, 11 are in the medium to high risk levels.



Compliance Program Milestones

Over the past year, the Office of Compliance has focused on Title IX compliance and Title IX - athletics compliance. Also, the Office of Compliance has provided coordination or support for on-going compliance requirements such as Protection of Minors, Clery Act, Equity in Athletics Disclosure Act, and the Higher Education Opportunities Act. The office coordinates the distribution of required disclosures to students and employees.

Title IX

In March 2015, the Title IX Compliance Assurance workgroup was formed with membership from college units with Title IX compliance responsibilities. The initial work of the group was focused on the development of the Sexual Misconduct policy and procedure (31001CP) which replaced the older Sexual Assault and Sexual Harassment policies and procedures. The group then focused on developing an action plan to assure compliance with Title IX requirements, including new requirements resulting from amendments by the Violence Against Women Act (VAWA). With the action plan completed, the group is now involved in the implementation of the action plan which will result in a more robust Title IX program featuring sexual misconduct training and awareness for students and employees; conducting a climate survey as mandated by MD state law; and ensuring resources are available for both students and employees reporting sexual misconduct.

The Title IX Compliance Assurance workgroup will continue its work until the risk level is at an acceptable level.

Title IX – Athletics

In February 2015, the Athletic Compliance workgroup was formed with membership from Student Affairs, Academic Affairs, Athletics, Compliance, and Facilities. The workgroup is charged to work in a coordinated manner to assure the College adheres to relevant laws and regulations. Each member is responsible to provide their unique professional perspective and expertise to assist the athletic program leadership toward meeting all compliance requirements of the athletic program.

The workgroup will focus on four points of athletic compliance:

- Equity in Athletics Reporting
- Title IX Compliance
- Eligibility Certification
- NJCAA Rules Compliance

Over the past year, the workgroup has effectively worked together to resolve issues related to gender equity in athletic facilities and playing fields. These were critical issues impacting our ability to provide equitable athletic facilities for both our men and women athletes; the resolution of these issues assures our Title IX athletic compliance.

Protection of Minors Update

Montgomery College is committed to providing a safe environment for minors who participate in College programs and activities. This includes the protection of minors from abuse or neglect, including sexual abuse, and requires a prompt and effective response to suspicions of abuse or neglect.

The Protection of Minors Policy was approved by the Board of Trustees in April 2014; the accompanying procedures were approved by the President in February 2015. In addition, the College created a new position to oversee implementation of the Protection of Minors P&P, the youth protection coordinator (YPC), hired in February 2015. The YPC enforces standards of all events and activities involving minors; provides training on appropriate interactions with minors; and assists in the identification of staff, faculty, students and volunteers who have direct interaction with minors and who should complete a background checks prior to working with minors.

At the conclusion of the first year of operations, the Youth Protection Office has successfully implemented the following initiatives:

- developed a registration process for youth serving programs; which includes, a review process to ensure that proposed programs and event meet establish guideline for the safety of minors,
- developed educational materials regarding the Protection of Minors P&P, the process for reporting suspected child abuse and neglect and a Protection of Minors webpage,

- revised standard contracts to reference the Protection of Minors policy and procedure, thus advising 3rd party users of MC spaces of their requirement to comply,
- collaborated with the managers of the pools to develop a policy prohibiting the use of cameras and videotaping equipment in locker rooms and pool areas. Piloted signs for use in these spaces to make users aware of the new policy,
- created a registry of all youth serving programs and events, and
- identified online training program for the college community

Good Faith Reporting Update

Many higher education institutions have established confidential reporting lines in support of their compliance goals. The federal sentencing guidelines call for an available means of confidential reporting within the organization that includes protection from retaliation for good faith reporting. In support of this initiative, the Office of Compliance developed the Reporting Suspected Fiscal Irregularities and Fraud with Whistleblower Protections policy and procedures. It was approved by the Board of Trustees in April 2014 and has been implemented through the internal audit office of the College. The current scope of the reporting line is limited to the reporting of fiscal irregularities, although there are likely future needs to broaden the scope beyond the reporting of fiscal irregularities.

IT Accessibility Update

The Americans with Disability Act (ADA) requires that instructional material must be readily usable and accessible to all students at the time it is presented. There cannot be a delay in services or materials to students with disabilities. To be accessible means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. It is the obligation of instructional faculty to ensure that their instructional material is accessible to all.

Over the past year, in collaboration with the Office of Information Technology and Advancement and Community Engagement, the Office of Compliance has developed a policy and procedure regarding IT Accessibility. The policy is currently moving through the approval process and should be put in place in 2016. An IT accessibility coordinator contractor position was created and assigned to the Office of Information Technology to provide technical support and guidance to College employees to assure accessibility of electronic information. The Office of Compliance will continue to collaborate with both the Office of Information Technology and Advancement and Community Engagement to increase the overall percentage of accessible technology resources.

Training and Awareness

An effective compliance program proactively educates to build awareness of compliance requirements. Compliance training and awareness is an ongoing activity throughout each year and includes campus events, scheduled webinars, unit informational meetings, online training, and professional development for the compliance office personnel. The office shares information through routine communications, training sessions, awareness events, and newsletters to reach specific audiences.

A new group of compliance trainings are now available to employees through MC Learns. Each training is a pre-recorded webinar, accessible online with duration of an hour or less, developed by PaperClip Communications, a higher education training company. The webinars are close captioned and ready to view.

Available compliance webinars (through the MC Learns e-Course Catalog: Policies, Compliance and Operations):

- ADA Reasonable Accommodations
- ADA & Technology Accessibility: Steps to Ensure Campus Compliance
- Alcohol, Sexual Assault and Sexual Violence Prevention
- Autism on Campus
- Campus Climate Surveys 2016
- Faculty and Staff Online Conduct
- Transgender Students on Campus (fulfills the annual Multicultural and Diversity Training Requirement)

National Compliance Awareness Week, the first week of November, is celebrated with a series of collegewide events designed to raise compliance awareness. The goal is to educate both students and employees on the role of a compliance office and learn about current compliance topics. Compliance fairs were held at each campus with information tables from the following compliance partners:

- Americans with Disabilities Act
- Title IX
- Child Care Centers
- Compliance
- CyberSecurity
- Drug & Alcohol Abuse Prevention-Employees
- Equal Employment Opportunity/Family Medical Leave Act
- Environmental Safety
- Emergency Planning
- Family Educational Records Privacy Act (FERPA)
- Safety and Security
- Youth Protection

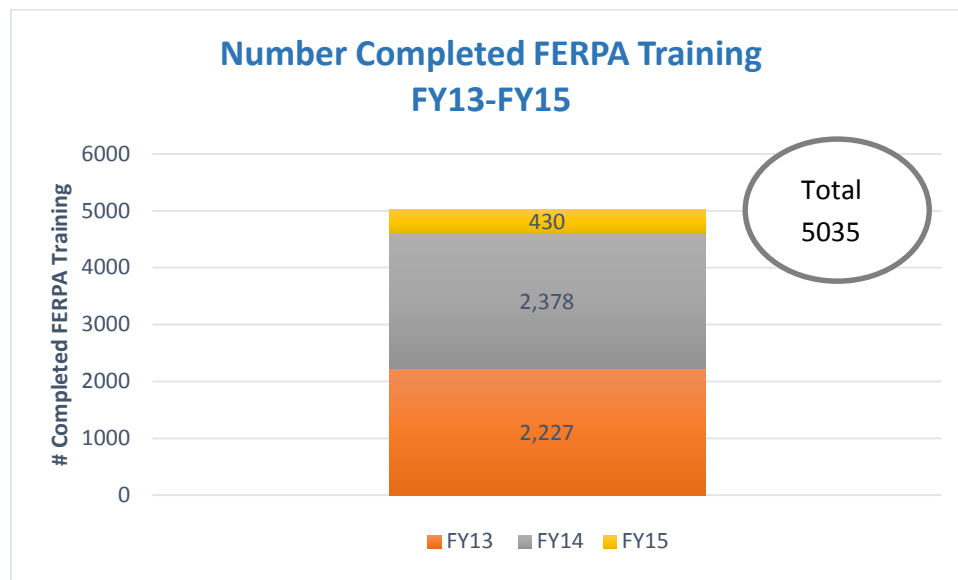
Each table had information, games, prizes and snacks to engage attendees, including even a juggling clown! Collegewide online activities took place to engage all employees.



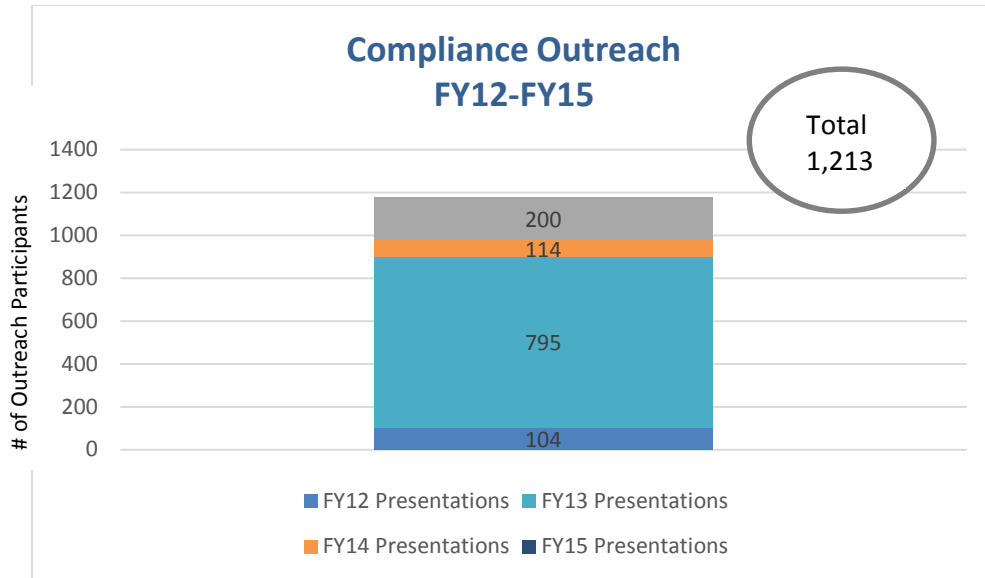
Figure 3 – National Compliance Awareness Week Photos

Compliance Office Outreach and Training Metrics FY 12-15

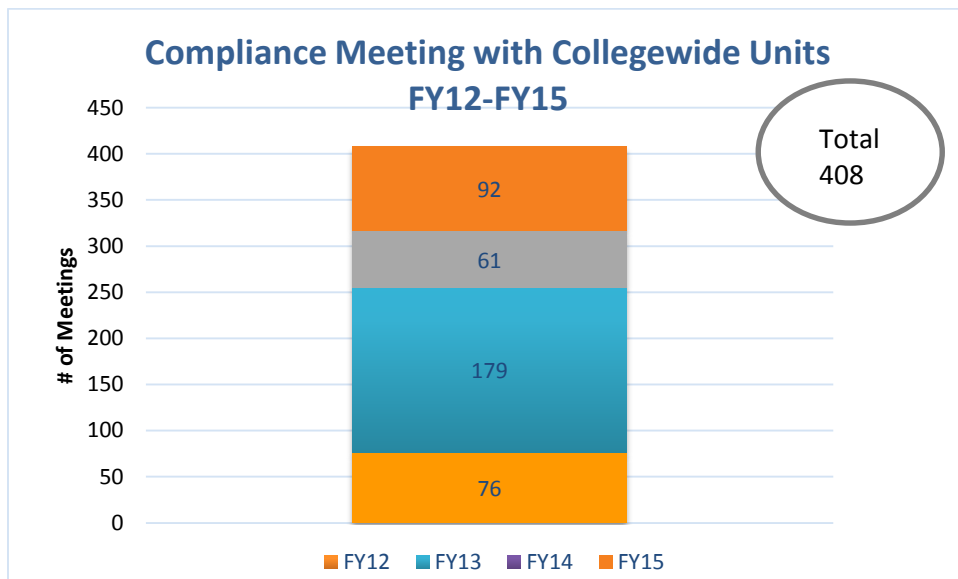
Ongoing training for the Office of Compliance staff is critical to stay current with the fast changing regulatory landscape. The office staff participates in webinars, conferences, affinity groups, and self-initiated research. Information is also shared between compliance risk owners and the Office of Compliance as part of a compliance professional network. Compliance risk owners are the known compliance experts in their respective areas and the compliance office provides an oversight role, partnering with College units to assure compliance. Assuring the College community stays abreast of new and changing regulations—and their impact—is an essential duty of the College and a key responsibility of the compliance program. This requires an enterprise commitment to ongoing professional development and training in the area of compliance.



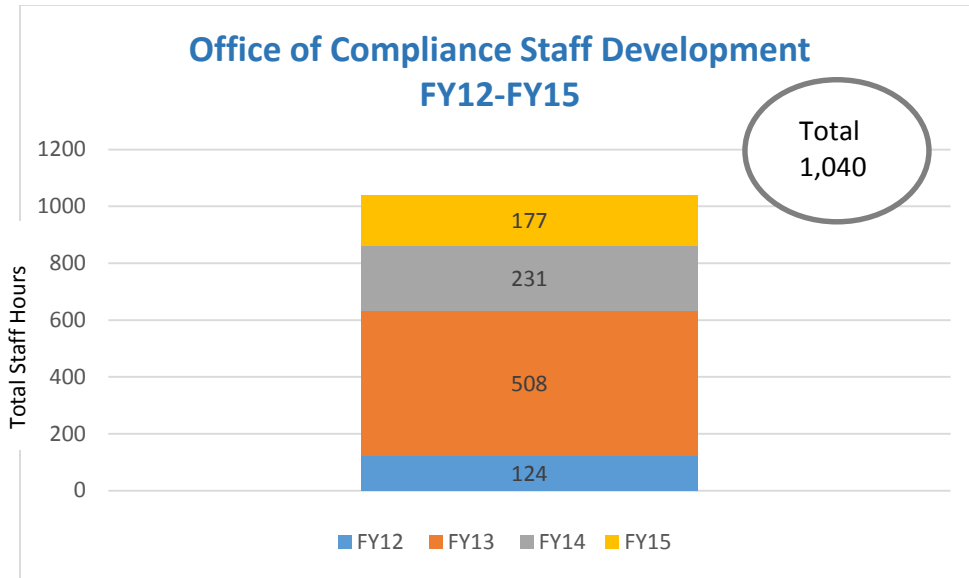
Beginning in FY13, FERPA training was the first mandatory compliance training required of all employees. The chart above shows the number of employees having completed the training. Note that the dramatic decrease in FY15 is due to the fact that most employees have completed the training and majority of the 430 employees completing training in FY15 are new employees.



The chart above shows the number of students and/or employees attending presentations made by members of the Compliance Office in each fiscal year since our inception. These presentations have been on a variety of compliance-related topics and have been presented to varying types of audiences ranging from specific college units to all administrators and academic department chairs.



The chart above details the number of meetings held with collegewide units each fiscal year since the inception of the Office of Compliance. It is our practice to meet each fall with the key collegewide units with compliance responsibilities. We meet with each new or newly assigned (including interim assignments) administrator to provide a compliance orientation at Montgomery College.



The chart above represents the total number of staff hours spent by compliance office staff in professional development activities for each fiscal year since our inception. Continual professional development is essential in the field of compliance as there are a wide variety of different compliance topics as well as an increasing number of new or changing laws/regulations.

Conclusion

As the Office of Compliance begins its 5th year, there exists a solid foundation of an effective compliance program that aligns with the elements of the federal sentencing guidelines. The College has reduced the number and risk level of compliance risks. The effort put forth over the past several years to document all applicable compliance requirements and to get agreement on accountability/responsibility on each requirement has formed a solid basis for effective compliance risk mitigation. As compliance risks are assessed at heightened levels, this basic shared information allows the college to begin risk mitigation planning quickly. We continue training and awareness efforts to ensure that College students and employees are aware of the compliance requirements that impact them. College leaders have a greater awareness of compliance concerns and how to access resources and information.

The compliance office's recently-purchased data management system will be implemented in 2016. The new system will enhance our ability to track, document and monitor progress to reduce compliance risks; improve how we work and collaborate with risk owners. The successful implementation of this system will be a major focus this year and integral part of our long-range strategic plan.

Middle States Accreditation includes a significant focus on institutions' state of compliance. The chief compliance officer is leading a College effort to develop the compliance report that is required as part of Middle States accreditation. This effort is currently underway and will conclude with the report being submitted up in late 2017.

There has been consistent support and buy-in from the College president and senior leaders since the inception of the Office of Compliance. However; during 2015, we have seen an increase in the overall level of engagement across college units. Directors, managers, supervisors and individuals increasingly contact the compliance office when questions arise. It is critical to be able to address issues as they arise or as early as possible to form a proactive approach to risk resolution that is consistent with the principle themes of compliance – prevention, rather than reaction. Due to the leadership support and tone at the top, as well as the trust and confidence of the rest of the college community, the Office of Compliance is able to assist the college in reducing compliance risks through disclosure, prevention, awareness and mitigation efforts of compliance risks.